



Iowa Department of Human Services

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INFORMATIONAL LETTER NO.1470

DATE: February 19, 2015

TO: Iowa Medicaid Home and Community Based Services (HCBS)
Habilitation and Waiver Providers (Excluding Individual Consumer
Directed Attendant Care)

FROM: Iowa Department of Human Services, Iowa Medicaid Enterprise (IME)

RE: Background Checks and Program Exclusion Status

EFFECTIVE: Immediately

The IME is clarifying information pertaining to background checks as well as exclusion status requirements per the Iowa Code and Iowa Administrative Code (IAC).

Pursuant to Iowa Code 249A.29 and Iowa Code 135C.33(5)(a)(1) & (5)(a)(3), all HCBS Habilitation and Waiver service providers must complete child abuse, dependent adult abuse and criminal background screenings before employing a prospective staff member who will provide care for an Iowa Medicaid member.

These background screening requirements also apply to staff that are considered independent contractors. Pursuant to Iowa Administrative Code 481—50.9, in the interpretation of Iowa Code Section 135C, an independent contractor is considered to be “employed” for this purpose.

If a prospective staff has a criminal record, child abuse history or dependent adult abuse history based upon the record check results, the prospective staff must have a Department of Human Services (DHS) evaluation pursuant to Iowa Code 135C.33(2) and IAC 441-ch.119.

The approved source for the criminal record check, child abuse history or dependent adult abuse history is the [Single Contact Repository \(SING\)](https://www.iowaonline.state.ia.us/SING/)¹ and may be used to complete all three types of background checks. The Department of Public Safety (DPS) issues the criminal history check. The DHS issues the Child Abuse and the Dependent Adult Abuse record check.

If you would like to request an identification number (ID) for your organization to perform background checks using SING please visit the [Office of the Chief Information Officer](https://ocio.iowa.gov/digital-citizens/apps-licensing)² website to download the required forms.

¹ <https://www.iowaonline.state.ia.us/SING/>

² <https://ocio.iowa.gov/digital-citizens/apps-licensing>

A prospective staff member may not provide services pending the outcome of the required background screenings, including the evaluation and approval from DHS when the applicant has criminal or abuse findings.

Providers and contracting entities are required to check the program exclusion status of individuals and entities prior to entering into employment or contractual relationships. To determine whether an individual or entity is excluded; search the [Department of Health and Human Services Office of Inspector General \(HHS-OIG\)](#)³ website.

An excluded individual or an entity employing or contracting with an excluded individual that submits a claim for reimbursement to a federal health care program or causes such a claim to be submitted, may be subject to civil money penalties (CMP) and other damages for each item or service furnished during the period that the person or entity was excluded (section 1128A(a)(1)(D) of the Social Security Act).

Providers should search the [HHS-OIG](#) website monthly to capture exclusions and reinstatements that have occurred since the last search. Claims paid by the Medicaid program for services rendered by an excluded individual or entity are subject to repayment to the Medicaid Program. For additional information, refer to [Informational Letter No. 1001](#)⁴.

Failure to follow the requirements detailed in the above paragraphs will result in recoupment and potentially sanctions and/or termination of your contract to provide services based upon the Iowa Administrative Code 441-79.2. Please be advised that this is not a complete listing of the legal requirements to provide services in the State of Iowa. Providers are required to comply with all state and federal laws pursuant to the provider agreement with Iowa Medicaid.

If you have any questions, please contact your area HCBS Specialist. A full list of HCBS Specialists assigned by region can be found on the [HCBS Waiver Provider Contacts](#)⁵ DHS webpage.

Additional Information

Questions relating to this Informational Letter may be directed to the IME Provider Services Unit at 1-800-338-7909, locally at 515-256-4609 or by email at imeproviderservices@dhs.state.ia.us.

³ <http://www.exclusions.oig.hhs.gov/>

⁴ http://dhs.iowa.gov/sites/default/files/1001_ExclusionfromParticipationinFederalHealthCarePrograms.pdf

⁵ <https://dhs.iowa.gov/ime/members/medicaid-a-to-z/hcbs/hcbs-contacts>